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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,269	08/27/2003	Masato Jimbo	04208.0187	5208
7590	06/02/2004			
Finnegan, Henderson, Farabow, Garrett & Dunner, L.L.P. 1300 I Street, N.W. Washington, DC 20005-3315			EXAMINER HARPER, HOLLY R	
			ART UNIT 2879	PAPER NUMBER

DATE MAILED: 06/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/648,269	JIMBO, MASATO	
Period for Reply	Examiner	Art Unit	
	Holly R. Harper	2879	
<i>-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</i>			
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. <ul style="list-style-type: none"> - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). 			
Status <p> 1)<input type="checkbox"/> Responsive to communication(s) filed on ____. 2a)<input type="checkbox"/> This action is FINAL. 2b)<input type="checkbox"/> This action is non-final. 3)<input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i>, 1935 C.D. 11, 453 O.G. 213. </p>			
Disposition of Claims <p> 4)<input checked="" type="checkbox"/> Claim(s) 1-17 is/are pending in the application. 4a) Of the above claim(s) ____ is/are withdrawn from consideration. 5)<input type="checkbox"/> Claim(s) ____ is/are allowed. 6)<input type="checkbox"/> Claim(s) ____ is/are rejected. 7)<input type="checkbox"/> Claim(s) ____ is/are objected to. 8)<input checked="" type="checkbox"/> Claim(s) 1-17 are subject to restriction and/or election requirement. </p>			
Application Papers <p> 9)<input type="checkbox"/> The specification is objected to by the Examiner. 10)<input type="checkbox"/> The drawing(s) filed on ____ is/are: a)<input type="checkbox"/> accepted or b)<input type="checkbox"/> objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11)<input type="checkbox"/> The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. </p>			
Priority under 35 U.S.C. § 119 <p> 12)<input type="checkbox"/> Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a)<input type="checkbox"/> All b)<input type="checkbox"/> Some * c)<input type="checkbox"/> None of: 1.<input type="checkbox"/> Certified copies of the priority documents have been received. 2.<input type="checkbox"/> Certified copies of the priority documents have been received in Application No. ____. 3.<input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. </p>			
Attachment(s) <p> 1)<input type="checkbox"/> Notice of References Cited (PTO-892) 2)<input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3)<input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ </p> <p> 4)<input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date _____ </p> <p> 5)<input type="checkbox"/> Notice of Informal Patent Application (PTO-152) </p> <p> 6)<input type="checkbox"/> Other: _____ </p>			

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-5, drawn to a nonwoven fabric, classified in class 442, subclass 327.
 - II. Claims 6-11, drawn to a method of making, classified in class 156, subclass 62.2.
 - III. Claims 12-15, drawn to an apparatus, classified in class 425, subclass 8.
 - IV. Claims 16-17, drawn to a device, classified in class 313, subclass 504.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions II and I or IV are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the nonwoven fabric could be made by treating the fibers individually with the hygroscopic coating instead of treating the fabric as a whole.
3. Inventions III and I or IV are related as apparatus and product made. The inventions in this relationship are distinct if either or both of the following can be shown: (1) that the apparatus as claimed is not an obvious apparatus for making the product and the apparatus can be used for making a different product or (2) that the product as claimed can be made by another and materially different apparatus (MPEP § 806.05(g)). In this case the fibers could be formed without centrifugal separation, and instead formed by steam pretreatment and a sieve drum device.

4. Inventions IV and I are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because a protective layer made of resin could be used for sealing the device and therefore retaining and absorbing moisture. The subcombination has separate utility such as humidity-controlling sheet in a hothouse.
5. Inventions III and II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the fibers could be formed without centrifugal separation, and instead formed by steam pretreatment and a sieve drum device.
6. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
7. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Holly Harper whose telephone number is (571) 272-2453. The examiner can normally be reached on Monday-Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel, can be reached on (571) 272-2457. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7382.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

HOLLY HARPER
Holly Harper
Patent Examiner
Art Unit 2879

[Signature]
NIMESHKUMAR D. PATEL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800